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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/552,951	04/20/2000	Zheng Jia	109905-136719	6045

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EXAMINER

ZAND, KAMBIZ

ART UNIT PAPER NUMBER

2132

DATE MAILED: 06/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/552,951

Applicant(s)

JIA ET AL.

Examiner

Kambiz Zand

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-13,17 and 19-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,2,4-13,17,21 and 27 is/are allowed.
- 6) ☒ Claim(s) 19 is/are rejected.
- 7) ☒ Claim(s) 20 and 24-26 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 April 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

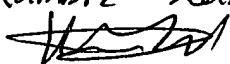
- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this section can be found in the prior office action.
2. The prior office actions are incorporated herein by reference. In particular, the observations with respect to claim language, and response to previously presented arguments.
3. Claims 3, 14-16 and 18 have been cancelled.
4. Claims 4 and 10 have been amended.
5. Claims 1, 2, 4-13, 17 and 19-27 are pending.
6. Examiner withdraws objection to the claims 4 and 5 due to correction by the applicant.

Response to Arguments

7. Applicant's arguments with respect to the claims 10, 11-13, 17, 20, 22, 23 and 27 have been considered and they are persuasive.
8. Applicant's arguments with respect to claim 19 filed 03/31/2005 have been fully considered but they are not persuasive.
9. As per applicant's arguments with respect to claims 19 and 20 on page 9 and 10 of the response filed on 03/31/2005, examiner makes the following remarks:
 - In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant

relies (i.e., " these multiple copies include identical copies of the same runtime manager",) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

The claim language of claim 19 **does not** disclose the copies of the runtime manager **are identical** copies of **the same runtime manager** or not. Therefore applicant's arguments in that respect are not persuasive.

However Applicant's arguments relating to the nested encryption or nested obscuring with respect to the claims 10 and 22 that was considered as persuasive, also applies to claim 20 and therefore the rejection of claim 20 has been withdrawn.

10. claims 24-26 dependencies is of claim 20, contrary to Applicant's assumption that their dependencies are from claim 22 (see page 12 of the Applicant's response).

Claim Rejections - 35 USC § 103

11. **Claim 19** is rejected under 35 U.S.C. 103(a) as being unpatentable over Aucsmith (5,892,899A) in view of Pendakar (US006,502,126 B1).

As per claim 19 Aucsmith et al disclose the preparation of obscuring instructions (column 1 , lines 46-57., column 4, lines 16-20., column 5, lines 38-46, column 7, lines 9-15 and 23-25), the injection of these obscuring instructions into computer code to form an obscured sequence of instructions (column 1 , lines 46-57, column 4, lines 16-20., column 5, lines 38-46, column 7, lines 9-15 and 23-25), and the encryption of a static image of this sequence (column 10, lines 62-65). These steps are taught as being combined on a computer system and an embedded controller in two example embodiments (column 11 , lines 42-47 and lines 66-67*, column 12, lines 1-3), and this office action interprets the obscured sequence of instructions generated as comprising the instructions taught in all of these steps combined. Aucsmith et al do not disclose runtime manager. However, Pendakur discloses this feature (Pendakur - abstract', Fig. 3 - elements 40a, 40b, and associated text; column 1, line 60 to column 3, line 5).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include the runtime manager among the data with which the second obscuring instructions are injected. One of ordinary skill in the art would have been motivated to do so in order to make a security-sensitive runtime manager tamper resistant through an obfuscation method (Aucsmith et al - abstract).

Allowable Subject Matter

12. Claims 1, 2, 4-13, 17, 21-23 and 27 are allowed.

13. Claims 20 and 24-26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

14. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kambiz Zand whose telephone number is (571) 272-3811. The examiner can normally be reached on Monday-Thursday (8:00-5:00). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on (571) 272-3799. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306. Information regarding the status of an application may be

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obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kambiz Zand

06/18/2005

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